

Telecommunications Licensing Framework Guide



Regulatory Affairs Department
Telecommunications Regulatory
Authority



We strive to develop a fair regulatory environment for the ICT sector in the UAE, to enhance competitiveness and effective sustainability.

Prologue



الإمارات العربية المتحدة

UNITED ARAB EMIRATES

The operation of a Public Telecommunications Network or the Supply of Telecommunications Services to Subscribers in the United Arab Emirates is permitted only upon obtaining a License or exemption from the Telecommunications Regulatory Authority (TRA) in accordance with Article 31 of the Federal Law by Decree No. (3) of 2003, Regarding the Organization of Telecommunications Sector as amended. The License Regulations issued by the TRA explain the framework of license issuance.



Licensing Regulations

Licensing refers to the licenses or exemptions granted by the TRA Board of Directors to Entities or Legal persons that are conducting Regulated Activities as defined by the Federal law by Decree No.3 of 2003 Regarding the Organization of the Telecommunications Sector, and its amendments ("The Telecom Law").

What is a Telecommunications License ?

A license issued pursuant to the provisions of the Law and its Executive Order which allows the Licensee to carry out the Regulated Activity.

What constitutes a Regulated Activity

- either the operation of a Public Telecommunications Network.
- the supply of Telecommunications and Services to Subscribers.
- all other types of activities specified by the Board* in accordance with the Provisions of the Law.

* Resolution No. 2009/44 issued by the Board, specifies that the sale of Telecommunications Services including the sale of SIM cards/Re-charge cards amounts to a Regulated activity.

Licensing Regulations

What constitutes a Public Telecommunications Network ?

A Telecommunications Network operated by the Licensee for the provision of Public Telecommunications Services pursuant to the provisions of the Law.

What constitutes a Public Telecommunications Service ?

Any Telecommunications Services provided to all subscribers or a part thereof in consideration of a fee.



In general terms, this means that the operation, provision and /or sale of a (public) Telecom Network or Telecom service is considered a Regulated Activity and will require a Telecommunications License.



What constitutes a Telecommunications Service?

The services of transmitting, broadcasting, switching or receiving by means of a Telecommunications Network of any of the following:

1. wired and wireless telecommunications;
2. voice, music, and other sounds;
3. visual images;
4. signals used in radio and TV broadcasting;
5. signals used to operate or control any machinery or apparatus;
6. the installation, maintenance, moving or removal of apparatus which is or will be connected to a Public Telecommunications Network;
7. the construction maintenance and operation of networks for telegraph, telephone, telex, leased circuits, domestic and international data networks, Internet and Wireless Transmission;
8. and any other Telecommunications Services approved by the Board;



A
Telecommunications Network is:
A system comprising one or more
items of apparatus or means of
communication medium for
broadcasting, transmission,
switching or receiving of
Telecommunications Services.



The Licensing Framework

The Licensing framework in UAE includes two types of Licenses*

1. Individual Licenses, which is issued:
 - for services which require the usage of scarce resources of spectrum and numbers; and
 - for a period of 10 years.
2. Class Licenses, which is issued:
 - where there is no need to use scarce resources of spectrum and numbers;
 - where due to the insignificance of the activity to the public, less regulatory supervision is required; and
 - it will be issued for a period of 10 years.

*All licenses will be issued individually as per Article 28 in the Telecommunications law

How do I know if a service is a “Regulated Activity”?



Crosschecking the service or activity in question against the definition in the Telecom Law of a “Regulated Activity”, as well as the definitions of “Telecommunications Network” and “Telecommunications Services”. If the service fits the definitions you would need to revisit your service offering to make it in compliance with the Telecommunications Law.

How do I perform this crosschecking against the definition of the “Regulated Activities”?



- Q1. Does the service involve transmitting, broadcasting, switching or receiving of any of the items mentioned in the definition of Telecommunications Services?
- Q2. Does it involve building or operating network elements and allowing others to use these network elements?
- Q3. Does the service involve the sale of a Telecommunications Service?
- Q4. If the response to any of the above two questions is yes; is it being done in return for a fee?

If the response to any of the above two questions is yes; is it being done in return for a fee?



Q1 Response	Q2 Response	Q3 Response	Q4 Response	Might Need a license?
No	No	No	No	No
Yes	No	No	No	Yes
Yes	No	No	Yes	Yes
Yes	Yes	No	Yes	Yes
No	Yes	No	No	Yes
No	Yes	No	Yes	Yes
No	No	Yes	No	Yes

Example of some of many activities falling under the definition of Regulated Activities are:

- Mobile Satellite Services
- Public Access Mobile Radio
- Real-time Voice Services (including chargeable Voice over Internet Protocol "VoIP" calls)
- SMS Services (eg. Bulk SMS)
- Broadcasting Satellite Services
- Global Mobile Personal Communications by Satellite
- Terrestrial Broadcasting Services
- Fixed Voice Services
- Broadband Services
- Gate-to-Gate Services
- Sale of SIM/Re-Charge cards
- Internet Service Provision
- Machine-to-Machine communication services
- IoT services and IoT network connectivity

Who can apply for a License?

1. A company incorporated under the Commercial Companies Law (Federal Law No. 8 of 1984) and pursuant to Article 28 of the Federal Law by Decree No. (3) of 2003, Regarding the Organization of the Telecommunications Sector and its amendments, or any legal person approved by the Board of the Authority.
2. A company whose shareholding complies with the resolution in which the particular Regulated Activity has been approved to be licensed.

How to apply for a License?



The application for a License can be done by filling out the License Application form available on the TRA's website.

<https://www.tra.gov.ae/en/about-tra/telecommunication-sector/licensing/details.aspx#documents>

The applicant for an Individual License is required to submit the following information:

- Proof of fulfillment of eligibility criteria;
- Certified true copies of its memoranda and articles of association;
- Details of shareholding structure including information on any Telecommunication License held by any other shareholders, whether in the UAE or elsewhere;
- Details of management team including qualifications and experience in telecommunication field in the UAE and any other jurisdiction;
- Business plan, including without limitation:
- Type of networks to be operated and services to be provided;
- Roll out plan for network and services including network diagrams and relevant technical details;
- Whether spectrum or numbers is/are required for the service and if so, details of the requirements;
- Funding proposals;
- Benefits to the UAE economy of the proposals; and
- Any other information.

..cont'd



The applicant is also required to submit the completed application form along with the required fee.

- The submission of an application shall be accompanied with Ten Thousand Dirhams (10,000 AED) according to Resolution No. 8 of 2009 regarding the Approval of Acquisition Fees of Licensing Applications, and an annual fee determined by the Board of the Authority.
- Any license is subject to the individual approval of the TRA board and the Boards approval is subject to its review.



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